IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 9072 OF 2005

Between:

N.Hemanth Kumar Reddy S/o.Dasaratha Ram Reddy, Hindu,

Aged about 27 years, Occu: Cultivation, R/o.Macharlavaripalem Village, T.P.Gudur Mandal Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore Nellore District
2 The Revenue Divisioanl Officer, Nellore Nellore District.
3 The Mandal Revenue Officer T.P.Gudur Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction on the part of the 3rd respondent in not incorporating/inserting the name of the Petitioner in voters list of Water users Association, Segment No.7, Macharlavari Palem T.P.Gudur Mandal, nellore District is amounts to erroneous, arbitrary and violative Art.14,19 and 21 of the Constitution of India besides being the provisions contemplated under A.P.Farmers Management of Irrigation system Rules 2003 and consequently direct the respondent to incorporate/insert the name of the petitioner in the voters, list of water usersAssociation Segment No.7 Macherlavari Palem TP Gudur Mandal, Nellore District.

Counsel for the Petitioner: MR.T.C.KRISHNAN

Counsel for the Respondent 1 to 3.: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the stage of admission made the following :

ORDER:

The father petitioner is owner of agricultural land in Sy. No. 175-2, to an extent of Ac.1.17 cents of Thotapalli Manjira, hamlet of Marchrlavaripally, TP Gudur, Mandal, Nellore District Thimma,puram village, Duttalur Mandal, Nellore District and the petitioner is the only son to his father, and by virtue of owning land and cultivating personally, he is entitled to be a voter of the Water Users Association, Segment No.7, Macharlavari palem, TP Gudur Mandal. While so, at the advise of the respondent No.3, the father gifted the property in his favour, and made an application to the respondent No.3, for inclusion of his name in the electoral roll, under the provisions of the A.P. Farmers Management of Irrigations Systems Act, 1997, but no orders were passed by him thereon, who is the Authorised Officer under the said Act. It is further averred that the election schedule was fixed and the election notification was going to be issued on 21.4.2005. On verification, the name of the petitioner is not included in the voters list. As such, he made a representation to the third respondent on 24.3.2005 and preferred an appeal on 19.4.2005 to the 2nd respondent.

As per Rule 9 of the A.P. Farmers Management of Irrigation Systems (Delineation and Formation of Water Users Associations) Rules, 2003, all th water users who are land holders and in case where both the owner and the tenant are landholders in respect of the same land, the tenant and any person, who is in lawful possession and enjoyment of the land under a water source, in a crop year, have the right to vote in the elections to Water User Association. In the instant case, even if it is believed that the alleged registered gift deed is true, the land stood transferred in the name of the petitioner only on

8.2.2005. Thus the relief sought for by the petitioner, cannot be granted. The writ petition accordingly fails and is dismissed. No order as to costs.

Elipe Dharma Rao, J.

April 21, 2005

MAS

To

1. The District Collector, Nellore, Nellore District
2 The Revenue Divisioanl Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer T.P.Gudur Mandal, Nellore District.

4 2 Copies to GP for Irrigation and Command Area Development,

High Court Buildings, Hyderabad.

5 2 CD copies

*Form-NIC-OGS/WP{**MPL**}*